

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.9314 OF 2016

Shri. Amit Ravindra Yadav and others

.. Petitioners

Versus

The Additional Commissioner,
Pune Divison, Pune and others

.. Respondents

Mr. Tanaji Mhatugade, for the Petitioners.

Mrs. S. S. Bhende, AGP for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 31st MARCH 2016

PC.

1. The writ jurisdiction of this Court is inter-alia invoked against the order dated 14.03.2016 passed by the Additional Commissioner, Pune Division, Pune. By the said order, the application for stay filed by the Petitioners came to be rejected.

2. A reading of the said order discloses that though at the foot of the order the date is 09.03.2016 as also below the signature of the Appellate Authority at the top of the order below the address of the Appellate Authority's office the date is 14.03.2016. In the body of the order also, it is mentioned that hearing has taken place on 16.03.2016. The question therefore that begs an answer is how the order could have

been passed on 09.03.2016 when the hearing itself has taken place on 16.03.2016. The Learned AGP Mrs. S. S. Bhende seeks to explain the said incongruity by attributing it to a typographical error which may have occurred. In my view, when the rights of the elected representatives are being adjudicated, the Authority/Authorities ought to be careful in respect of the facts stated in their orders. Prima-facie the instant order gives an impression that the said facts were not verified and the order has been passed in a casual manner. The Learned AGP would therefore bring to the notice of the Appellate Authority the said fact.

3. Be that as it may, in view of the fact that the Appeal filed by the Petitioner is pending before the Appellate Authority i.e. the Additional Commissioner, Pune Division, Pune, which Appeal is against the order of the Collector, Kolhapur dated 14.03.2016. It is not necessary to interdict with the said order dated 14.03.2016. In my view, the above Petition can be conveniently disposed of by issuing the following directions :-

I) The Appellate Authority i.e. the Additional Commissioner, Pune Division, Pune, is directed to hear and decide the Appeal filed by the Petitioners latest by 15.06.2016 by giving proper opportunity to the parties.

II) Till the Appeal is decided, the order dated 14.03.2016 passed by the Collector, Kolhapur would stand stayed. To the said extent, the order passed by the Additional Commissioner is set aside.

III) The Appeal would undoubtedly be decided on its own merits and in accordance with law.

IV) The contentions of the parties are kept open for being urged before the Appellate Authority.

4. The Petition to accordingly stand disposed of.

[R.M. SAVANT, J]